



UNITED STATES DEPARTMENT OF AGRICULTURE

2015 JAN 13 PM 3:03

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:	)	AWA Docket No. 04-0009
	)	
GEORGE E. KOLLAR, an individual, and	)	
SANDRA J. KOLLAR, an individual, doing	)	
business as MOTHER NATURE'S	)	CONSENT DECISION AND
CHILDREN,	)	ORDER AS TO GEORGE E.
	)	KOLLAR AND SANDRA K.
Respondents.	)	KOLLAR

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), by an amended complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the allegations in the amended complaint, as set forth below as findings of fact and conclusions of law, specifically admit that the Secretary has jurisdiction in this matter, waive oral hearing and further procedure, and consent and agree to the entry of this decision for the purpose of settling this proceeding.

FINDINGS OF FACT

1. George E. Kollar is an individual doing business as Mother Nature's Children, whose mailing address is Double K Ranch, 1501 W. Bayton Street, Alliance, Ohio 44601-9465.
2. Sandra J. Kollar is an individual doing business as Mother Nature's Children, whose mailing address is Double K Ranch, 1501 W. Bayton Street, Alliance, Ohio 44601-9465.
3. At all times mentioned herein, said respondents were licensed and operating as

exhibitors, as that term is defined in the Act and the Regulations, under Animal Welfare Act license number 31-C-0117, issued to “Sandra and George Kollar, D.B.A. Mother Nature’s Children.

4. APHIS personnel conducted inspections of respondents’ facilities, records and animals on the following dates:

<u>Date</u>	<u>Animal Inventory</u>
February 26-March 1, 1999	34 (Pre-License Inspection)
June 30-July 1, 1999	37
August 12, 1999	33
October 28, 1999	30
March 23, 2000	29
May 23, 2000	32
January 16, 2001	35
June 28, 2001	37
August 21, 2001	30
October 15, 2001	37
February 12, 2002	34
May 7, 2002	51
August 6, 2002	Unable to perform inspection
August 20, 2002	40
October 16, 2002	35
November 18, 2002	Unable to perform inspection
December 12, 2002	Unable to perform inspection
December 17, 2002	Unable to perform inspection
December 19, 2002	Unable to perform inspection
January 9, 2004	26
February 24, 2004	27

5. Respondents have a moderate-sized business, with an average of 35 animals, including farm, wild and exotic animals: bears, porcupines, cougar, foxes, fruit bats, mountain lions, woodchuck, groundhog, sheep, goats, grey squirrels, flying squirrels, bobcats, skunks, coyotes, deer, wolves, guinea pigs, opossum, rabbits, raccoons, and a coydog.

6. The gravity of the violations alleged in this complaint is great. They include repeated instances in which respondents impeded inspections and failed to allow access to their facility, and failed to provide minimally-adequate veterinary care, food, water or housing to animals and to handle

animals carefully and in compliance with the Regulations (which failures have resulted in serious injuries and death to animals in respondents' custody). Respondents have continually failed to comply with the Regulations, after having been repeatedly advised of deficiencies.

7. Respondents have not shown good faith. They have repeatedly demonstrated an unwillingness to comply with the Act and the Regulations and Standards, and have impeded inspections.

8. Respondents do not have a history of previous violations.

9. On October 28, 1999, respondents interfered with and harassed an APHIS official during her inspection of the premises. (9 C.F.R. § 2.4).

10. On March 23, 2000, respondents interfered with and harassed an APHIS official during her inspection of the premises. (9 C.F.R. § 2.4).

11. On the following dates, respondents failed to have an attending veterinarian provide adequate veterinary care to their animals:

a. June 30 and July 1, 1999. Respondents failed to have a veterinarian conduct fecal tests and de-worm their animals. (9 C.F.R. § 2.40(a)).

b. March 23, 2000. Respondents failed to have a veterinarian treat a coyote whose tail was inflamed, swollen, and had areas of exposed tailbone. (9 C.F.R. § 2.40(a)).

c. May 23, 2000. Respondents failed to have a veterinarian treat two wolves who were suffering from severe diarrhea. (9 C.F.R. § 2.40(a)).

d. August 21, 2001. Respondents failed to have a veterinarian trim the excessively-long nails of a lavender skunk. (9 C.F.R. § 2.40(a)).

e. May 23, 2000. Respondents failed to have a veterinarian provide adequate

veterinary care and, instead, used “Vet Kem (a flea and tick treatment for dogs and cats over one-month old), for a juvenile red fox, without veterinary approval. (9 C.F.R. § 2.40(a)).

f. August 21, 2001. Respondents failed to obtain treatment for two red foxes, a silver fox, a black bear (Eddie), and a cougar all of whom were thin and unthrifty, and had scruffy, dull haircoats. (9 C.F.R. § 2.40(a)).

g. January 16, 2001. Respondents failed to obtain treatment for a coyote (Moondog), wolves, and the bears suffering from interdigital irritation as a result of the wet, icy conditions of their enclosures. (9 C.F.R. § 2.40(a)).

h. June 28, 2001. Respondents failed to obtain treatment for a guinea pig and her newborn, both died shortly after delivery, and for a coyote (Moondog) suffering from diarrhea after eating a whole chicken carcass, including feathers. (9 C.F.R. § 2.40(a)).

i. October 15, 2001. Respondents failed to obtain treatment for a cougar that appeared thin, unthrifty, and had a dry, dull haircoat, and continued to have a ravenous appetite when fed. (9 C.F.R. § 2.40(a)).

j. June 28, 2001. Respondents failed to obtain treatment for a cougar (Alya) who appeared thin and was wormed once using a dewormer not approved for cougars. (9 C.F.R. § 2.40(a)).

12. On the following dates, respondents failed to employ a full-time attending veterinarian, or to employ a part-time attending veterinarian under formal arrangements that included a written program of veterinary care:

a. August 12, 1999. (9 C.F.R. § 2.40(a)(1)).

b. October 28, 1999. (9 C.F.R. § 2.40(a)(1)).

- c. March 23, 2000. (9 C.F.R. § 2.40(a)(1)).
- d. May 23, 2000. (9 C.F.R. § 2.40(a)(1)).
- e. June 28, 2001. (9 C.F.R. § 2.40(a)(1)).
- f. August 21, 2001. (9 C.F.R. § 2.40(a)(1)).
- g. October 15, 2001. (9 C.F.R. § 2.40(a)(1)).
- h. February 12, 2002. (9 C.F.R. § 2.40(a)(1)).
- i. May 7, 2002. (9 C.F.R. § 2.40(a)(1)).

13. On March 23, 2000, respondents failed to ensure that their attending veterinarian had appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care, and specifically, respondents failed to follow their attending veterinarian's instructions on the dietary needs of various animals and to retain another attending veterinarian with expertise in wild and exotic animals. (9 C.F.R. § 2.40(a)(2)).

14. On the following dates, respondents failed to establish and maintain a program or adequate veterinary care that included the availability of appropriate facilities, personnel, equipment, and services to comply with the Regulations and Standards:

- a. June 30 and July 1, 1999. Respondents failed to have adequate restraint mechanisms in the bears enclosures permitting safe access. (9 C.F.R. § 2.40(b)(1)).
- b. June 30 and July 1, 1999. Respondents failed to have proper equipment to immobilize or tranquilize a bear so that veterinary care could be safely administered. (9 C.F.R. § 2.40(b)(1)).
- c. October 28, 1999. Respondents failed to have adequate restraint mechanisms in the bears enclosures that permit safe access by an attending veterinarian, and for cleaning.

(9 C.F.R. § 2.40(b)(1)).

d. October 28, 1999. Respondents failed to have proper equipment to immobilize or tranquilize a bear so that veterinary care could be safely administered.

(9 C.F.R. § 2.40(b)(1)).

e. March 23, 2000. Respondents failed to have proper capture equipment to safely restrain dangerous animals, including three bears and five wolves. (9 C.F.R.

§ 2.40(b)(1)).

f. March 23, 2000. Respondents failed to construct a perimeter fence around dangerous animals maintained on the premises, including three bears and five wolves.

(9 C.F.R. § 2.40(b)(1)).

15. On the following dates, respondents failed to establish and maintain a program or adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care:

a. October 15, 2001. Respondents failed to maintain vaccination records that specified the date and product. (9 C.F.R. § 2.40(b)(2)).

b. January 16, 2001. Respondents failed to establish and maintain species-specific vaccination and revaccination records; an ectoparasite program identifying the product to be used and species-specific requirements; a blood parasite regime that provides information on canids' heartworm, and testing and treatment methods for intestinal parasites; an escape protocol; and a contingency plan for animal emergencies. (9 C.F.R. § 2.40(b)(2)).

c. May 23, 2000. Respondents used an inappropriate and unapproved method to treat a juvenile red fox, specifically, "Vet Kem (a flea and tick treatment for dogs and cats

over four weeks of age). (9 C.F.R. § 2.40(b)(2)).

d. October 15, 2001. Respondents failed to have a veterinarian trim the excessively-long nails of an albino skunk. (9 C.F.R. § 2.40(b)(2)).

e. October 15, 2001. Respondents failed to institute an effective program for parasite control, which resulted the in death of a coyote from severe hookworm infestation and anemia; the two red foxes having coccidia; and the wolf pair, silver fox (Raisin), arctic foxes, and juvenile wolf hybrid having hookworms. (9 C.F.R. § 2.40(b)(2)).

f. February 12, 2002. Respondents failed to obtain any veterinary treatment for a cougar that was so thin that its ilium was visible, despite APHIS's October, 15, 2001, notice to obtain veterinary care for the animal. (9 C.F.R. § 2.40(b)(2)).

g. May 7, 2002. Respondents failed to follow their attending veterinarian's request for notification of newly-acquired animals within ten days of arrival. (9 C.F.R. § 2.40(b)(2)).

h. August 20, 2002. Respondents failed to follow, and administer vaccinations pursuant to, the terms of the Program of Veterinary Care for a sixteen-week old bobcat, skunks, and a bear. (9 C.F.R. § 2.40(b)(2)).

i. October 16, 2002. Respondents failed to administer vaccinations to a bobcat, cougar, skunks, and a bear pursuant to their veterinarian's instructions. (9 C.F.R. § 2.40(b)(2)).

j. October 16, 2002. Respondents allowed the nails of three skunks and two arctic foxes to continue to grow excessively long. (9 C.F.R. § 2.40(b)(2)).

k. March 23, 2000. Respondents failed to obtain any veterinary treatment for

a coyote whose tail was inflamed, swollen, and had areas of exposed tail-bone. (9 C.F.R. § 2.40(b)(2)).

l. August 21, 2001. Respondents failed to obtain any veterinary treatment for two red foxes, a silver fox, a black bear (Eddie), and a cougar all of whom were thin and unthrifty, and had scruffy, dull hair coats. (9 C.F.R. § 2.40(b)(2)).

m. January 16, 2001. Respondents failed to obtain treatment for a coyote (Moondog), wolves, and the bears suffering from interdigital irritation as a result of the wet, icy conditions of their enclosures. (9 C.F.R. § 2.40(b)(2)).

n. June 28, 2001. Respondents failed to obtain treatment for a guinea pig and her newborn, both died shortly after deliver, and for a coyote (Moondog) suffering from diarrhea after eating a whole chicken carcass, including feathers. (9 C.F.R. § 2.40(b)(2)).

o. October 15, 2001. Respondents failed to obtain treatment for a cougar that appeared thin, unthrifty, and had a dry, dull haircoat, and continued to have a ravenous appetite when fed. (9 C.F.R. § 2.40(b)(2)).

p. October 15, 2001. Respondents failed to have medications and methods for tranquilization, sedation, and lethal injection; the type and dose of dewormer for each animal; quarantine and isolation procedure for new animals; and program of parasite control. (9 C.F.R. § 2.40(b)(2)).

q. February 12, 2002. Respondents failed to have medications and methods for tranquilization, sedation, and lethal injection; quarantine and isolation procedure for new animals; vaccination requirements for each species; ectoparasite control; blood parasite control, and internal parasite control. (9 C.F.R. § 2.40(b)(2)).

r. June 28, 2001. Respondents failed to obtain treatment for a cougar (Alya) who appeared thin and was wormed once using a dewormer not approved for cougars. (9 C.F.R. § 2.40(b)(2)).

s. On or about July 2, 2003, through on or about November 7, 2003. Respondents failed to prevent, control or diagnose the cause of at least twelve animal deaths, including two porcupines, three racoons, four wolves, two squirrels and one skunk. (9 C.F.R. § 2.40(b)(2)).

16. On the following dates, respondents failed to establish and maintain a program or adequate veterinary care that included daily observation of all animals to assess their health and well-being, including a mechanism of direct and frequent communication:

a. August 12, 1999. Respondents failed to trim the excessively-long nails of a porcupine, which had grown inward toward the foot pads. (9 C.F.R. § 2.40(b)(3)).

b. March 23, 2000. Respondents failed to observe animals and record accurate information related to an underweight bobcat, and failed to obtain veterinary treatment for the animal, contributing to the bobcat's death from malnutrition. (9 C.F.R. § 2.40(b)(3)).

c. January 16, 2001. Respondents failed to observe animals and accurately and completely record veterinary information related to animals, including whether vaccines and parasite control medications were administered, whether a wolf (Wolfgang) received the treatment and care proscribed by the attending veterinarian, and whether animals cited by APHIS on May 23, 2000 as needing treatment during inspection report were treated. (9 C.F.R. § 2.40(b)(3)).

d. January 16, 2001. Respondents failed to observe for a female guinea pig

whose pregnancy was near term and two wolves suffering from severe diarrhea. (9 C.F.R. § 2.40(b)(3)).

e. June 28, 2001. Respondents failed to observe an Egyptian Fruit bat and to notice that the wood heater in the animal's enclosure was not working order, resulting in the bat's death from hypethermia. (9 C.F.R. § 2.40(b)(3)).

f. June 28, 2001. Respondents failed to observe and treat a coyote (Moondog) suffering from severe diarrhea after eating a whole chicken carcass, including feathers. (9 C.F.R. § 2.40(b)(3)).

g. August 21, 2001. Respondents failed to observe two flying squirrels for at least three weeks despite evidence of uneaten food and a carcass with fur and dried bones. (9 C.F.R. § 2.40(b)(3)).

h. October 15, 2001. Respondents failed to inform their attending veterinarian about a continually-thin cougar. (9 C.F.R. § 2.40(b)(3)).

i. February 12, 2002. Respondents failed to accurately record veterinary information and to consult a veterinarian about a cougar. (9 C.F.R. § 2.40(b)(3)).

j. May 7, 2002. Respondents failed to observe an underweight black bear (Blackberry Jean IV) with a dry, dull, brittle coat. (9 C.F.R. § 2.40(b)(3)).

k. October 16, 2002. Respondents failed to observe and record veterinary information related to two juvenile wolves with profuse brown-tan liquid diarrhea and dull coats. (9 C.F.R. § 2.40(b)(3)).

l. October 16, 2002. Respondents failed to observe and record veterinary information related to two wolves (Shania and Mariah) with profuse loose brown-tan stool.

(9 C.F.R. § 2.40(b)(3)).

m. On or about July 2, 2003, through on or about November 7, 2003.

Respondents failed to accurately record veterinary information and to consult a veterinarian about two porcupines, three raccoons, four wolves, two squirrels, and one skunk that died from unknown causes. (9 C.F.R. § 2.40(b)(3)).

17. On the following dates, respondents failed to maintain complete records of the acquisition and disposition of animals as required:

a. May 23, 2000. Respondents failed to record the vehicle license number and state and driver's license number of the unlicensed or unregistered person from whom respondents purchased a coyote pup. (9 C.F.R. § 2.75(b)(1)(iii)).

b. May 23, 2000. Respondents failed to records the vehicle license number and state and driver's license number of the unlicensed or unregistered person from whom respondents received two baby raccoons. (9 C.F.R. § 2.75(b)(1)(iii)).

c. May 23, 2000. Respondents failed to records the date of death of a white-tail fawn. (9 C.F.R. § 2.75(b)(1)).

d. January 16, 2001. Respondents failed to record the vehicle license number and state and driver's license number for Mark Johnson, from whom respondents purchased a red fox (Gizma). (9 C.F.R. § 2.75(b)(1)(iii)).

e. January 16, 2001. Respondents failed to record any information regarding the person from whom respondents obtained a skunk. (9 C.F.R. § 2.75(b)(1)(iii)).

f. January 16, 2001. Respondents failed to record the driver's license number for Karen Dragulich, from whom respondents purchased a raccoon. (9 C.F.R.

§ 2.75(b)(1)(iii).

g. January 16, 2001. Respondents failed to record the driver's license number or the USDA license number of the person from whom respondents purchased a porcupine. (9 C.F.R. § 2.75(b)(1)(iii)).

h. January 16, 2001. Respondents failed to record the sale of four wolf pups. (9 C.F.R. § 2.75(b)(1)).

i. January 16, 2001. Respondents failed to record the disposition of two gray squirrels. (9 C.F.R. § 2.75(b)(1)).

j. January 16, 2001. Respondents failed to record the purchase of two coydogs. (9 C.F.R. § 2.75(b)(1)).

k. January 16, 2001. Respondents failed to record the date of death of a coydog. (9 C.F.R. § 2.75(b)(1)).

j. January 16, 2001. Respondents failed to record the date of death of an opossum. (9 C.F.R. § 2.75(b)(1)).

k. January 16, 2001. Respondents failed to record the sale of a bobcat. (9 C.F.R. § 2.75(b)(1)).

l. June 28, 2001. Respondents failed to record the vehicle license numbers and states, and drivers' license numbers for the unlicensed persons from whom respondents received a juvenile lavender skunk and a grey fox pup. (9 C.F.R. § 2.75(b)(1)(iii)).

m. June 28, 2001. Respondents failed to record the name and address for the person(s) from whom respondents acquired two guinea pigs, a coyote pup, a juvenile skunk, and a grey fox pup. (9 C.F.R. § 2.75(b)(1)(i)).

- n. June 28, 2001. Respondents failed to record the USDA license or registration number for the person(s) from whom respondents acquired a coyote pup and four juvenile raccoons. (9 C.F.R. § 2.75(b)(1)(ii)).
- o. June 28, 2001. Respondents failed to record the name and address for the person to whom respondents sold or donated a black bear. (9 C.F.R. § 2.75(b)(1)(iv)).
- p. June 28, 2001. Respondents failed to record the date of purchase, acquisition, sale, or disposal for a black bear, the date of death for a bat and two guinea pigs, and the date of disposition for a fox and two squirrels. (9 C.F.R. § 2.75(b)(1)(v)).
- q. August 21, 2001. Respondents failed to record the name and address for the person(s) from whom respondents acquired a coyote pup, raccoon, two guinea pigs, and one red fox. (9 C.F.R. § 2.75(b)(1)(i)).
- r. August 21, 2001. Respondents failed to record the USDA license or registration number for the buyer of a black bear (Blackberry Jean III). (9 C.F.R. § 2.75(b)(1)(ii)).
- s. August 21, 2001. Respondents failed to record the vehicle license number and state, and driver's license number for the unlicensed person from whom respondents purchased a red fox. (9 C.F.R. § 2.75(b)(1)(iii)).
- t. August 21, 2001. Respondents failed to record the name and address for the person to whom respondents donated two raccoons and traded a wolf pup, and to whose farm respondents relocated a sheep and goat. (9 C.F.R. § 2.75(b)(1)(iv)).
- u. August 21, 2001. Respondents failed to record the date of purchase, acquisition, sale, or disposal for a coyote pup, raccoon, and red fox obtained from unlicensed

sources, and the date of death for two flying squirrels and an arctic fox. (9 C.F.R. § 2.75(b)(1)(v)).

v. August 21, 2001. Respondents failed to record any information for fourteen animals. (9 C.F.R. § 2.75(b)(1)).

w. May 7, 2002. Respondents failed to record the vehicle license number(s) for the unlicensed source(s) from whom respondents acquired two baby raccoons and two baby groundhogs. (9 C.F.R. § 2.75(b)(1)(iii)).

x. May 23, 2000. Respondents failed to make records of the death of a white-tail fawn that died as a result of water deprivation. (9 C.F.R. § 2.80(b)).

18. On the following dates, respondents failed to permit APHIS officials to conduct a complete inspection of their animal facilities:

a. August 6, 2002. (9 C.F.R. § 2.126(a)).

b. November 18, 2002. (9 C.F.R. § 2.126(a)).

c. December 12, 2002. (9 C.F.R. § 2.126(a)).

d. December 17, 2002. (9 C.F.R. § 2.126(a)).

e. December 19, 2002. (9 C.F.R. § 2.126(a)).

19. On the following dates, respondents failed to meet the minimum facilities standards for guinea pigs:

a. August 21, 2001. Respondents failed to remove excreta and debris from primary enclosures of guinea pigs, and specifically, housed a male guinea pig in an enclosure with soiled newspaper contaminated with feces and urine. (9 C.F.R. §§ 2.100(a), 3.31(a)).

b. August 21, 2001. Respondents failed to transfer a guinea pig to a clean primary

enclosure when the primary enclosure became soiled and wet to a degree that was harmful to the animal, and specifically, kept a male guinea pig that had brown-fecal stained and matted hair around the anal area in a wet, soiled enclosure. (9 C.F.R. §§ 2.100(a), 3.31(b)).

c. August 21, 2001. Respondents failed to provide food that was free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the guinea pig, and specifically, failed to ensure that three guinea pigs had a diet that provided a sufficient amount of vitamin C. (9 C.F.R. §§ 2.100(a), 3.9(a)).

d. October 15, 2001. Respondents failed to remove excreta and debris from primary enclosures of guinea pigs, and specifically, housed a guinea pig in an enclosure with excessively wet newspaper. (9 C.F.R. §§ 2.100(a), 3.31(a)).

20. On June 30 and July 1, 1999, respondents failed to meet the minimum facilities and operating standards for rabbits, by failing to provide any protection from direct rays of sun to the five rabbits with labored breathing that were suffering from heat stress. (9 C.F.R. §§ 2.100(a), 3.52).

21. On the following dates, respondents failed to meet the minimum general facilities standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals by failing to construct indoor and outdoor housing facilities so that they were structurally sound and to maintain them in good repair to protect the animals from injury as follows:

a. June 30 and July 1, 1999. Respondents used one-inch mesh wire for the flooring of the raccoon housing facility, which injured the tender feet of the raccoon. (9 C.F.R. §§ 2.100(a), 3.125(a)).

b. June 30 and July 1, 1999. Respondents failed to repair exposed, pointed wire

ends in a crate housing a bear. (9 C.F.R. §§ 2.100(a), 3.125(a)).

c. March 23, 2000. Respondents failed to construct the housing facilities so as to provide adequate space between the enclosures of two wolves that continuously attacked a coyote in an adjacent enclosure. (9 C.F.R. §§ 2.100(a), 3.125(a)).

d. May 23, 2000. Respondents failed to remove heavy debris and tree limbs from the roof of an enclosure housing two goats, causing the support beam to sag under the weight of the roof. (9 C.F.R. §§ 2.100(a), 3.125(a)).

e. May 23, 2000. Respondents failed to repair a hole in the top of the raccoon den; rain water soak the bedding and the raccoon. (9 C.F.R. §§ 2.100(a), 3.125(a)).

f. January 16, 2001. Respondents used torn and bent wire with sharp edges on the outside of a wolf's enclosure fence. (9 C.F.R. §§ 2.100(a), 3.125(a)).

g. June 28, 2001. Respondents failed to repair the wood lid of the den box for two red foxes which was rotten and soft from rain water. (9 C.F.R. §§ 2.100(a), 3.125(a)).

h. June 28, 2001. Respondents allowed a white fox to escape from its dilapidated enclosure. (9 C.F.R. §§ 2.100(a), 3.125(a)).

i. June 28, 2001. Respondents failed to repair the wood lid of the den box for a silver fox, which was wet, moldy and warped, and instead weighed it down with concrete blocks. (9 C.F.R. §§ 2.100(a), 3.125(a)).

j. June 28, 2001. Respondents failed to fill in the large holes and repair the retainer wire in the two wolves' enclosure. (9 C.F.R. §§ 2.100(a), 3.125(a)).

k. August 21, 2001. Respondents used rotten and soft wood to repair the lid of a den box for a silver fox. (9 C.F.R. §§ 2.100(a), 3.125(a)).

- l. August 21, 2001. Respondents failed to repair exposed, pointed wire ends in the primary enclosure for two wolves. (9 C.F.R. §§ 2.100(a), 3.125(a)).
- m. August 21, 2001. Respondents allowed a black bear (Blackberry Jean II) to escape from its enclosure. (9 C.F.R. §§ 2.100(a), 3.125(a)).
- n. October 15, 2001. Respondents failed to fill the large holes and repair the chain link fence that had been pushed out from the foundation in a black bear's (Eddie) enclosure. (9 C.F.R. §§ 2.100(a), 3.125(a)).
- o. October 15, 2001. Respondents failed to repair the chewed-through inside door latch of the groundhog enclosure. (9 C.F.R. §§ 2.100(a), 3.125(a)).
- p. February 12, 2002. Respondents failed to repair the chain link fence that was significantly pushed out from the foundation and metal frame in a black bear's (Eddie) enclosure. (9 C.F.R. §§ 2.100(a), 3.125(a)).
- q. February 12, 2002. Respondents failed to repair the exposed sharp, pointed wire ends on the top and bottom of the entrance to two red foxes' (Sonya and Todd Mitchell) den box. (9 C.F.R. §§ 2.100(a), 3.125(a)).
- r. February 12, 2002. Respondents failed to repair the two front legs of the silver fox's (Raisin) enclosure, which protruded into the bottom of the enclosure and caused it to bend over to one side. (9 C.F.R. §§ 2.100(a), 3.125(a)).
- s. February 12, 2002. Respondents failed to use appropriate material to construct the top of the enclosure for a black bear (Blackberry Jean IV), and instead used 11.5 gauge chain link which lacked sufficient structural strength to contain a bear. (9 C.F.R. §§ 2.100(a), 3.125(a)).

t. May 7, 2002. Respondents failed to remove an exposed, sharp nail in the albino skunk's primary enclosure. (9 C.F.R. §§ 2.100(a), 3.125(a)).

u. May 7, 2002. Respondents constructed the enclosure for a black bear (Blackberry Jean IV) with 11.5 gauge chain link, which lacks sufficient structural strength to contain a bear. (9 C.F.R. §§ 2.100(a), 3.125(a)).

v. August 20, 2002. Respondents failed to use appropriate material to construct an enclosure latch for two juvenile groundhogs, who later escaped and were killed by dogs. (9 C.F.R. §§ 2.100(a), 3.125(a)).

w. October 16, 2002. Respondents failed to use appropriate material to construction the flooring of the red fox enclosure. (9 C.F.R. §§ 2.100(a), 3.125(a)).

x. October 16, 2002. Respondents failed to repair the loose flooring in the red fox enclosure; the fox chewed up the floor and pulled back the wire. (9 C.F.R. §§ 2.100(a), 3.125(a)).

22. On January 16, 2001, respondents failed to store supplies of food in facilities that adequately protected them from deterioration, molding or contamination by vermin in accordance with the minimum general facilities standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals, and specifically, respondents placed a dog house, gasoline, windshield wiper fluid, trash and other debris adjacent to their food storage area providing a habitat and ready source of food for rodents and risking potential chemical contamination. (9 C.F.R. §§ 2.100, 3.125(c)).

23. On August 20, 2002, respondents failed to meet the minimum lighting standards for indoor facilities for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates

and marine mammals, and specifically, housed a juvenile red fox and a juvenile coyote in kennels in an area so dark that the APHIS inspector needed a flashlight to see the animals. (9 C.F.R. §§ 2.100(a), 3.126(c)).

24. On the following dates, respondents failed to meet the minimum general facilities standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammal, and specifically failed to provide adequate natural or artificial shelter for animals kept outdoors:

a. January 16, 2001. Respondents failed to provide adequate shelter from inclement weather for four wolves. (9 C.F.R. §§ 2.100(a), 3.127(b)).

b. August 21, 2001. Respondents failed to provide any shelter from inclement weather for two red foxes. (9 C.F.R. §§ 2.100(a), 3.127(b)).

c. August 21, 2001. Respondents failed to provide adequate shelter from inclement weather for an adult wolf and a hybrid wolf, whose small nest box was not sufficient to hold both animals. (9 C.F.R. §§ 2.100(a), 3.127(b)).

d. October 15, 2001. Respondents failed to provide adequate shelter from inclement weather for an opossum who had no protection, aside from bedding, in its outdoor enclosure. (9 C.F.R. §§ 2.100(a), 3.127(b)).

e. February 12, 2002. Respondents failed to provide adequate shelter from inclement weather for a grey fox that had no straw bedding in its shelter when evening temperatures were in the twenties. (9 C.F.R. §§ 2.100(a), 3.127(b)).

f. October 16, 2002. Respondents failed to provide adequate shelter from inclement weather for two porcupines whose bedding was soaked as a result of rain blowing

into their enclosure. (9 C.F.R. §§ 2.100(a), 3.127(b)).

g. February 24, 2004. Respondents failed to provide adequate shelter from inclement weather for a singly housed wolf. (9 C.F.R. §§ 2.100(a), 3.127(b)).

25. On the following dates, respondents failed to meet the minimum general facilities standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals, and specifically respondents failed to provide a suitable method to rapidly eliminate excess water:

a. January 16, 2001. Respondents failed to provide a method to eliminate standing water in the enclosures for bears, wolves, coyotes (especially Moondog), and the coydog, which resulted in the animals' being unable to remain clean and dry. (9 C.F.R. §§ 2.100(a), 3.127(c)).

b. August 21, 2001. Respondents failed to provide a method to eliminate standing water and mud in the enclosures for two wolves (Shenai and Merriah), one juvenile hybrid wolf, and an adult wolf, which resulted in the animals' being unable to remain clean and dry. (9 C.F.R. §§ 2.100(a), 3.127(c)).

c. February 24, 2004. Respondents failed to provide a method to eliminate standing water and mud in the enclosures for three wolves, which resulted in the animals' being unable to remain clean and dry. (9 C.F.R. §§ 2.100(a), 3.127(c)).

26. On the following dates, respondents failed to construct a perimeter fence, in accordance with the minimum general facilities standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals, as follows:

a. May 23, 2000. Respondents failed to construct a perimeter fence around

dangerous animals maintained on the premises, including three bears and four wolves.

(9 C.F.R. §§ 2.100(a), 3.127(d)).

b. January 16, 2001. Respondents failed to construct a perimeter fence around dangerous animals maintained on the premises, including three bears and five wolves. (9 C.F.R. §§ 2.100(a), 3.127(d)).

c. August 21, 2001. Respondents failed to construct a perimeter fence around dangerous animals maintained on the premises, including one juvenile bear tethered to a tree. (9 C.F.R. §§ 2.100(a), 3.127(d)).

d. October 15, 2001. Respondents failed to construct a perimeter fence around dangerous animals maintained on the premises, including three bears, four wolves, and two wolf-hybrids. (9 C.F.R. §§ 2.100(a), 3.127(d)).

e. February 12, 2002. Respondents' perimeter fence was missing a four foot section in one area and was constructed out of livestock panels with large openings that would permit the escape and entrance of small animals. (9 C.F.R. §§ 2.100(a), 3.127(d)).

f. May 7, 2002. Respondents' perimeter fence was still missing a four foot section in one area and is incomplete. (9 C.F.R. §§ 2.100(a), 3.127(d)).

g. August 20, 2002. Respondents' perimeter fence continued to be incomplete such that small animals were able to enter the premises. (9 C.F.R. §§ 2.100(a), 3.127(d)).

h. October 16, 2002. Respondents' perimeter fence remained incomplete at the entrance area and lacked an entrance gate. (9 C.F.R. §§ 2.100(a), 3.127(d)).

27. On the following dates, respondents failed to construct enclosures so as to provide sufficient space to allow each animal to make normal postural adjustments with adequate freedom of

movement, in accordance with the minimum space standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals, as follows:

a. June 30 and July 1, 1999. Respondents housed a 70-pound bear in a 4'-by-2' crate. (9 C.F.R. §§ 2.100(a), 3.128).

June 30 and July 1, 1999. Respondents failed to provide adequate space for a cougar. (9 C.F.R. §§ 2.100(a), 3.128).

c. October 28, 1999. Respondents failed housed a black bear (Eddie) in an enclosure measuring 5'-by-3.5'. (9 C.F.R. §§ 2.100(a), 3.128).

d. October 28, 1999. Respondents failed to provide adequate vertical space in the primary enclosures of three juvenile squirrels. (9 C.F.R. §§ 2.100(a), 3.128).

e. October 28, 1999. Respondents housed a juvenile black bear in a transport box. (9 C.F.R. §§ 2.100(a), 3.128).

f. March 23, 2000. Respondents housed a black bear (Eddie) in an enclosure measuring 5'-by-3.5'. (9 C.F.R. §§ 2.100(a), 3.128).

g. May 23, 2000. Respondents housed a 25-pound bear in a small enclosure. (9 C.F.R. §§ 2.100(a), 3.128).

May 23, 2000. Respondents failed to provide adequate space for an adult coyote to move freely. (9 C.F.R. §§ 2.100(a), 3.128).

i. January 16, 2001. Respondents housed a juvenile mountain lion in an enclosure measuring 54" long, 37" wide, and 45" tall. (9 C.F.R. §§ 2.100(a), 3.128).

j. January 16, 2001. Respondents housed an opossum in an enclosure measuring 36" long, 18" wide, and 18" tall. (9 C.F.R. §§ 2.100(a), 3.128).



s. October 15, 2001. Respondents housed a woodchuck in an enclosure that prevented the woodchuck from standing upright. (9 C.F.R. §§ 2.100(a), 3.128).

t. October 15, 2001. Respondents housed two skunks (lavender and chocolate) in a single, small enclosure that forced them repeatedly to bump into each other. (9 C.F.R. §§ 2.100(a), 3.128).

u. August 20, 2002. Respondents housed five Egyptian Fruit bats in a 2' by 4' by 3' enclosure that prevented them from flying. (9 C.F.R. §§ 2.100(a), 3.128).

v. August 20, 2002. Respondents housed a juvenile red fox and a juvenile coyote in two 32"-by-30"-by-24" crates. (9 C.F.R. §§ 2.100(a), 3.128).

w. October 16, 2002. Respondents housed five Egyptian Fruit bats in a 2' by 4' by 3' enclosure that prevented the animals from flying. (9 C.F.R. §§ 2.100(a), 3.128).

x. October 16, 2002. Respondents housed a cougar in a 54" by 45" by 36" enclosure. (9 C.F.R. §§ 2.100(a), 3.128).

y. October 16, 2002. Respondents house a juvenile coyote in a 32" by 30" by 24" enclosure. (9 C.F.R. §§ 2.100(a), 3.128).

28. Respondents failed to meet the minimum feeding standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals, as follows:

a. On the following dates, respondents failed to provide animals with food of sufficient quantity and nutritive value to maintain good animal health that was prepared with consideration for the age, species, condition, size, and type of animal:

i. August 12, 1999. Respondents failed to provide a deer with food of balanced diet of sufficient quantity and nutritive value to maintain good animal health that

was prepared with consideration for the age, species, condition, size, and type of animal. (9 C.F.R. §§ 2.100(a), 3.129(a)).

ii. March 23, 2000. Respondents fed a cougar an unbalanced diet, which resulted in its death from malnutrition. (9 C.F.R. §§ 2.100(a), 3.129(a)).

iii. March 23, 2000. Respondents fed a juvenile bobcat a diet comprised solely of cat food. (9 C.F.R. §§ 2.100(a), 3.129(a)).

iv. May 23, 2000. Respondents fed two baby raccoons a diet not approved by the attending veterinarian, consisting of Epsilac and dog food. (9 C.F.R. §§ 2.100(a), 3.129(a)).

v. May 23, 2000. Respondents fed a juvenile bear a diet not approved by the attending veterinarian, consisting of Epsilac and dog food. (9 C.F.R. §§ 2.100(a), 3.129(a)).

vi. May 23, 2000. Respondents fed four week old fox pups a diet not approved by the attending veterinarian, consisting of Epsilac and dog food. (9 C.F.R. §§ 2.100(a), 3.129(a)).

vii. May 23, 2000. Respondents fed a coyote pup a diet not approved by the attending veterinarian, consisting of Epsilac and dog food. (9 C.F.R. §§ 2.100(a), 3.129(a)).

viii. May 23, 2000. Respondents fed a skunk a diet not approved by the attending veterinarian, consisting of corn and dog food. (9 C.F.R. §§ 2.100(a), 3.129(a)).

ix. January 16, 2001. Respondents fed a juvenile mountain lion dry kibble, canned cat food, and raw meat. (9 C.F.R. §§ 2.100(a), 3.129(a)).

x. January 16, 2001. Respondents fed chicken, elk and deer carcasses, which had been thawed and refrozen several times, to the wolves, coyotes, coydog, and bears. (9 C.F.R. §§ 2.100(a), 3.129(a)).

xi. January 16, 2001. Respondents fed animals a contaminated elk carcass. (9 C.F.R. §§ 2.100(a), 3.129(a)).

xii. June 28, 2001. Respondents failed to provide balanced diets to juvenile animals including a grey fox pup, raccoons, coyote pup, cougar (Ayla), and a skunk. (9 C.F.R. §§ 2.100(a), 3.129(a)).

xiii. June 28, 2001. Respondents fed coyote (Moondog) a chicken that died from unknown causes. (9 C.F.R. §§ 2.100(a), 3.129(a)).

xiv. June 28, 2001. Respondents fed a black wolf a carcass contaminated with live maggots, feces and urine on the floor of the black wolf's enclosure. (9 C.F.R. §§ 2.100(a), 3.129(a)).

xv. October 15, 2001. Respondents failed to provide sufficient food to a thin cougar. (9 C.F.R. §§ 2.100(a), 3.129(a)).

xvi. February 12, 2002. Respondents failed to feed a young cougar an approved balanced diet from the attending veterinarian. (9 C.F.R. §§ 2.100(a), 3.129(a)).

xvii. October 15, 2001. Respondents contaminated exotic feline dry food by storing it in a container with rancid dry cat food. (9 C.F.R. §§ 2.100(a), 3.129(a)).

xviii. October 15, 2001. Respondents failed to feed a bobcat kitten a balanced diet approved by their attending veterinarian. (9 C.F.R. §§ 2.100(a), 3.129(a)).

b. \_\_\_\_\_ On the following dates, respondents failed to keep place food so as to minimize

contamination and failed to keep food receptacles clean and sanitary:

- i. August 12, 1999. Respondents failed to keep the food receptacle used by the red foxes clean and sanitized. (9 C.F.R. §§ 2.100(a), 3.129(b)).
- ii. October 28, 1999. Respondents placed food for two red foxes in a receptacle contaminated with black and brown colored debris. (9 C.F.R. §§ 2.100(a), 3.129(b)).
- iii. May 23, 2000. Respondents placed the coyote's food directly on the ground contaminated with feces. (9 C.F.R. §§ 2.100(a), 3.129(b)).
- iv. October 16, 2002. Respondents' food receptacle for a groundhog was contaminated with dirty food, brownish scum, and dried food debris. (9 C.F.R. §§ 2.100(a) 3.129(b)).
- v. August 21, 2001. Respondents failed to clean and sanitize the black bear's (Blackberry Jean II) food receptacle, which was contaminated with blackish dirt and brown fecal matter. (9 C.F.R. §§ 2.100(a), 3.129(b)).
- vi. June 28, 2001. Respondents fed a black wolf a carcass contaminated with live maggots, feces and urine on the floor of the wolf's enclosure. (9 C.F.R. §§ 2.100(a), 3.129(b)).

29. On the following dates, respondents failed to make potable water accessible to the animals at all times, or as often as necessary for the animals' health and comfort, and to keep water receptacles clean and sanitary, in accordance with the minimum watering standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals:

- a. June 30 and July 1, 1999. Respondents' water receptacle for the cougar was

contaminated with debris, fecal, and dark algae. (9 C.F.R. §§ 2.100(a), 3.130).

b. June 30 and July 1, 1999. Respondents' water receptacle for two skunks was contaminated with debris, fecal, and dark algae. (9 C.F.R. §§ 2.100(a), 3.130).

c. June 30 and July 1, 1999. Respondents' water receptacle for a red fox was contaminated with debris, fecal, and dark algae. (9 C.F.R. §§ 2.100(a), 3.130).

d. June 30 and July 1, 1999. Respondents' water receptacle for a raccoon was contaminated with debris, fecal, and dark algae. (9 C.F.R. §§ 2.100(a), 3.130).

e. June 30 and July 1, 1999. Respondents' water receptacle for the bear was contaminated with debris, fecal, and dark algae. (9 C.F.R. §§ 2.100(a), 3.130).

f. June 30 and July 1, 1999. Respondents' water receptacle for a wolf was contaminated with debris, fecal, and dark algae. (9 C.F.R. §§ 2.100(a), 3.130).

g. August 12, 1999. Respondents' water and water receptacle for the opossum were contaminated with feces, urine, and brown sticky material. (9 C.F.R. §§ 2.100(a), 3.130).

h. October 28, 1999. Respondents' water receptacle used by two wolves was contaminated with mud and dirt. (9 C.F.R. §§ 2.100(a), 3.130).

i. October 28, 1999. Respondents' water receptacles used by two red foxes was contaminated with mud, dirt and other debris. (9 C.F.R. §§ 2.100(a), 3.130).

j. October 28, 1999. Respondents failed to ensure that potable water was provided to animals, and specifically, the black bear's (Eddie) water contained stagnant grease. (9 C.F.R. §§ 2.100(a), 3.130).

k. March 23, 2000. Respondents provided water contaminated with debris and green algae to an adult bear. (9 C.F.R. §§ 2.100(a), 3.130).

l. March 23, 2000. Respondents failed to make potable water accessible to a black bear (Eddie) at all times or as often as necessary for the health and comfort of the animal. (9 C.F.R. §§ 2.100(a), 3.130).

m. May 23, 2000. Respondents failed to provide any water to adult raccoon who drank voraciously when finally provided with water at the APHIS inspector's request. (9 C.F.R. §§ 2.100(a), 3.130).

n. May 23, 2000. Respondents failed to ensure that potable water was provided to animals, and caused a white-tail fawn to die of dehydration. (9 C.F.R. §§ 2.100(a), 3.130).

o. May 23, 2000. Respondents provided black colored water containing floating debris to an adult coyote. (9 C.F.R. §§ 2.100(a), 3.130).

p. January 16, 2001. Respondents failed to provide any potable water to: a skunk, two wolves, a coyote (Moondog), and the polar arctic fox (Pearl). (9 C.F.R. §§ 2.100(a), 3.130).

q. January 16, 2001. Respondents failed to provide potable water to three wolves, two porcupine, bears, and foxes. (9 C.F.R. §§ 2.100(a), 3.130).

r. January 16, 2001. Respondents provided dirty and frozen water to two wolves, a juvenile bear, and two bears. (9 C.F.R. §§ 2.100(a), 3.130).

s. June 28, 2001. Respondents provided water and a water receptacle contaminated with feces and brown scum to a black wolf. (9 C.F.R. §§ 2.100(a), 3.130).

t. June 28, 2001. Respondents provided black water to a lavender skunk that was contaminated with debris and straw. (9 C.F.R. §§ 2.100(a), 3.130).

u. June 28, 2001. Respondents provided a coyote (Moondog) with brown water in a water receptacle contaminated with floating grease scum and other dirt. (9 C.F.R. §§ 2.100(a),

3.130).

v. June 28, 2001. Respondents' water and receptacles for a coyote and a coydog were contaminated with feces, dirt, and other matter. (9 C.F.R. §§ 2.100(a), 3.130).

w. June 28, 2001. Respondents used a large swimming container contaminated with green algae, dirt, and floating debris as a water receptacle for two black bears (Eddie and Blackberry Jean). (9 C.F.R. §§ 2.100(a), 3.130).

x. June 28, 2001. Respondents' water receptacle for a cougar was contaminated with green algae and debris. (9 C.F.R. §§ 2.100(a), 3.130).

y. August 21, 2001. Respondents provided milky brown water contaminated with dirt and brown debris to a black bear (Eddie). (9 C.F.R. §§ 2.100(a), 3.130).

z. August 21, 2001. Respondents provided brackish, dirty water to a juvenile skunk. (9 C.F.R. §§ 2.100(a), 3.130).

aa. October 15, 2001. Respondents' water and water receptacle used by a bear (Blackberry Jean IV) for both bathing and drinking, were green, turbid and contaminated with feces and oily debris. (9 C.F.R. §§ 2.100(a), 3.130).

bb. May 7, 2002. Respondents' water receptacle for a raccoon was a water bucket weighed down inside with a rock, and it was contaminated with dirt, algae, and brown scum adhered to the sides. (9 C.F.R. §§ 2.100(a), 3.130).

cc. May 7, 2002. Respondents provided a silver fox (Raisin) with murky and greasy water in a receptacle contaminated with green algae and brown slime adhered to the sides. (9 C.F.R. §§ 2.100(a), 3.130).

dd. May 7, 2002. Respondents provided two red foxes water with a greasy film

floating on top in a receptacle contaminated with green algae and brown slime adhered to the sides. (9 C.F.R. §§ 2.100(a), 3.130).

ee. May 7, 2002. Respondents provided two wolves (Shania and Mariah) with water contaminated with dirt and feces, in a receptacle with syrup-like black dirt adhered to the bottom. (9 C.F.R. §§ 2.100(a), 3.130).

ff. August 20, 2002. Respondents provided two wolves (Shania and Mariah) with water and a water receptacle contaminated with dirt and mosquito larvae. (9 C.F.R. §§ 2.100(a), 3.130).

gg. August 20, 2002. Respondents' water and water receptacle for a blind groundhog were contaminated with dirt and floating debris. (9 C.F.R. §§ 2.100(a), 3.130).

hh. October 16, 2002. Respondents failed to provide any water to two opossums and their water receptacle was contaminated with brownish slick dirt.

ii. October 16, 2002. Respondents' water and water receptacles for a porcupine (Brittany Spears) and an albino skunk were contaminated with dirt and brown scum. (9 C.F.R. §§ 2.100(a), 3.130).

jj. February 24, 2004. Respondents failed to provide any potable water to: a ferret, two porcupines, two woodchucks, two raccoons, two black bears, a cougar, a grey fox, two coyotes, and three wolves. (9 C.F.R. §§ 2.100(a), 3.130).

30. On the following dates, respondents failed to remove excreta from primary enclosures to prevent contamination of animals, minimize disease hazards, and reduce odors, in accordance with the minimum sanitation standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals:

a. June 30 and July 1, 1999. Respondents failed to remove excreta from the bedding in a cougar's primary enclosure, which was contaminated with urine and feces. (9 C.F.R. §§ 2.100(a), 3.131(a)).

b. August 12, 1999. Respondents failed to take adequate steps to remove the excreta from two red foxes' primary enclosure. (9 C.F.R. §§ 2.100(a), 3.131(a)).

c. August 12, 1999. Respondents failed to replace urine contaminated straw in the baby bear's primary enclosure. (9 C.F.R. §§ 2.100(a), 3.131(a)).

d. March 23, 2000. Respondents failed to remove accumulated feces and dirt from the primary enclosure for two juvenile wolves; the wolves were walking in urine and had wet coats. (9 C.F.R. §§ 2.100(a), 3.131(a)).

e. March 23, 2000. Respondents failed to remove accumulated feces and bedding contaminated with feces from a black bear's (Eddie) primary enclosure. (9 C.F.R. §§ 2.100(a), 3.131(a)).

f. May 23, 2000. Respondents housed a skunk in an enclosure with urine and feces contaminated bedding. (9 C.F.R. §§ 2.100(a), 3.131(a)).

g. May 23, 2000. Respondents housed a porcupine in an enclosure with filthy, wet, moldy straw. (9 C.F.R. §§ 2.100(a), 3.131(a)).

h. May 23, 2000. Respondents housed a raccoon in a den box with layers of wet straw contaminated with urine and feces. (9 C.F.R. §§ 2.100(a), 3.131(a)).

i. May 23, 2000. Respondents housed two grey squirrels in an enclosure contaminated with excessive feces and urine. (9 C.F.R. §§ 2.100(a), 3.131(a)).

j. May 23, 2000. Respondents housed a bear in an enclosure contaminated with

excessive feces, food, and water, which resulted in the bear having feces in his coat. (9 C.F.R. §§ 2.100(a), 3.131(a)).

k. January 16, 2001. Respondents housed wolves in an enclosure with excessive feces and bedding contaminated with urine and feces. (9 C.F.R. §§ 2.100(a), 3.131(a)).

l. January 16, 2001. Respondents housed bears, including a young bear with feces in her coat, in an enclosure with excessive feces and bedding contaminated with urine and feces. (9 C.F.R. §§ 2.100(a), 3.131(a)).

m. January 16, 2001. Respondents failed to remove excessive excreta, bones, meat, and bedding contaminated with urine and feces in the coyotes' and coydog's enclosures. (9 C.F.R. §§ 2.100(a), 3.131(a)).

n. January 16, 2001. Respondents housed a skunk in an enclosure with excessive feces and caked-on dirt build-up. (9 C.F.R. §§ 2.100(a), 3.131(a)).

o. January 16, 2001. Respondents' bat enclosure was contaminated with excessive feces that accumulated on the cage and wire. (9 C.F.R. §§ 2.100(a), 3.131(a)).

p. June 28, 2001. Respondents failed to remove accumulated bones, poultry feathers, and diarrhea from a coyote's (Moondog) primary enclosure. (9 C.F.R. §§ 2.100(a), 3.131(a)).

q. June 28, 2001. Respondents housed a hedgehog in an transport cage contaminated with dried feces, dirt, and brown debris stuck to the floor. (9 C.F.R. §§ 2.100(a), 3.131(a)).

r. June 28, 2001. Respondents failed to remove accumulated feces in the black wolf's enclosure. (9 C.F.R. §§ 2.100(a), 3.131(a)).

s. June 28, 2001. Respondents housed a juvenile black bear in an enclosure contaminated with feces and bedding so contaminated with urine, feces, and that it was attracting flies. (9 C.F.R. §§ 2.100(a), 3.131(a)).

t. August 21, 2001. Respondents housed two wolves in an enclosure so contaminated with excessive excreta that the wolves had black, wet, muddy dirt on their feet and haircoats, and could not avoid the overwhelming contamination of wet filth. (9 C.F.R. §§ 2.100(a), 3.131(a)).

u. August 21, 2001. Respondents housed two red foxes, a white juvenile skunk, a lavender skunk, and a woodchuck in enclosures containing soaked straw contaminated with urine and feces. (9 C.F.R. §§ 2.100(a), 3.131(a)).

v. August 21, 2001. Respondents housed a cougar in an enclosure with excessive urine, feces, and old bones. (9 C.F.R. §§ 2.100(a), 3.131(a)).

w. October 15, 2001. Respondents housed a coyote in an enclosure containing soaked and blackened straw. (9 C.F.R. §§ 2.100(a), 3.131(a)).

x. October 15, 2001. Respondents housed a cougar in an enclosure with accumulated fecal matter of various ages and old bones. (9 C.F.R. §§ 2.100(a), 3.131(a)).

y. October 15, 2001. Respondents failed to remove the excessive accumulation of fecal blobs from a bear's (Blackberry Jean IV) enclosure. (9 C.F.R. §§ 2.100(a), 3.131(a)).

z. February 12, 2002. Respondents failed to remove accumulated feces, urine, and water from grey fox's primary enclosure; the fox's feet were soiled with water and fecal matter. (9 C.F.R. §§ 2.100(a), 3.131(a)).

                     aa. May 7, 2002. Respondents used a wood feeding plank contaminated with

decaying red grapes and fecal matter to feed two porcupines housed in an enclosure with excessive food waste, hair, and dirt. (9 C.F.R. §§ 2.100(a), 3.131(a)).

bb. February 24, 2004. Respondents housed a ferret, two raccoons, two black bears, a cougar, a red fox, and a gray fox in enclosures with excessive accumulation of excreta.

(9 C.F.R. §§ 2.100(a), 3.131(a)).

31. On the following dates, respondents failed to keep premises clean and in good repair in accordance with the minimum sanitation standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals:

a. January 16, 2001. Respondents left cardboard, debris, de-icer, bags of dog food, a gasoline can, and approximately twelve bottles of windshield fluid throughout the premises, near the food storage area, and on top of animal enclosures. (9 C.F.R. §§ 2.100(a), 3.131(c)).

b. June 28, 2001. Respondents allowed flies swarmed around several plastic bags of food products stored on top of a juvenile bear's enclosure. (9 C.F.R. §§ 2.100(a), 3.131(c)).

c. May 23, 2000. Respondents placed a basket of grooming brushes and scissors on top of the wolf pups' enclosure, risking potential injury to the pups. (9 C.F.R. §§ 2.100(a), 3.131(c)).

32. On the following dates, respondents failed to establish and maintain an adequate program of pest control in accordance with the minimum sanitation standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals:

a. June 30 and July 1, 1999. Respondents failed to take minimally-adequate steps to control fly infestation in area housing a cougar and bear. (9 C.F.R. §§ 2.100(a), 3.131(d)).

b. May 23, 2000. Respondents failed to take minimally-adequate steps to eradicate

respondents' rodent infestation. (9 C.F.R. §§ 2.100(a), 3.131(d)).

c. January 16, 2001. Respondents failed to take minimally-adequate steps to eradicate respondents' bird infestation, which resulted in several cages, enclosures, feed and water containers, and den boxes being thoroughly covered and contaminated with excessive quantities of bird feces. (9 C.F.R. §§ 2.100(a), 3.131(d)).

d. June 28, 2001. Respondents failed to take minimally-adequate steps to eradicate a fly infestation around, inside, and underneath the enclosure for two arctic foxes'. (9 C.F.R. §§ 2.100(a), 3.131(d)).

e. June 28, 2001. Respondents failed to take minimally-adequate steps to eradicate the fly infestation on and around the urine soaked bedding in a juvenile bear's enclosure. (9 C.F.R. §§ 2.100(a), 3.131(d)).

f. October 16, 2002. Respondents failed to take steps to eradicate bird infestation, which resulted in the floor and bedding of a groundhog's enclosure being thoroughly covered and contaminated with excessive quantities of bird feces. (9 C.F.R. §§ 2.100(a), 3.131(d)).

33. On the following dates, respondents failed to employ a sufficient number of adequately-trained employees to maintain a professionally-acceptable level of husbandry practices, under a supervisor with a background in animal care, in accordance with the minimum employee standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals:

a. March 23, 2000. (9 C.F.R. §§ 2.100(a), 3.132).

b. May 23, 2000. Respondents' personnel were so poorly trained and supervised that a white-tail fawn died from dehydration because no one provided it with water. (9 C.F.R. §§ 2.100(a), 3.132).

c. January 16, 2001. (9 C.F.R. §§ 2.100(a), 3.132).

d. October 15, 2001. Respondents' personnel were so poorly trained and supervised that they did not recognize that a cougar had weight loss and a dull coat, which indicated husbandry and medical problems. (9 C.F.R. §§ 2.100(a), 3.132).

e. February 12, 2001. Respondents' personnel were so poorly trained and supervised that they did not recognize that a cougar had weight loss, a dull coat and poor muscle condition, which indicated husbandry and medical problems. (9 C.F.R. §§ 2.100(a), 3.132).

f. May 7, 2002. Respondents' personnel were so poorly trained and supervised that they did not recognize that a black bear had a dry, dull, brittle coat and was underdeveloped, which indicated husbandry and medical problems. (9 C.F.R. §§ 2.100(a), 3.132).

g. May 7, 2002. Respondents' personnel were so poorly trained and supervised that they did not recognize that a 12"-by-14" Tupperware container was not appropriate housing for five opossums, because, among other things, it provided inadequate ventilation. (9 C.F.R. §§ 2.100(a), 3.132).

34. On the following dates, respondents housed animals near or with animals that interfered with health or caused them discomfort, in noncompliance with the minimum separation standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals:

a. August 12, 1999. Respondents housed sheep in the same enclosure with deer that carry parasites that can infect sheep. (9 C.F.R. §§ 2.100(a), 3.133).

b. March 23, 2000. Respondents housed a coyote adjacent to two wolves that continuously provoked and attacked the coyote through the adjoining fence. (9 C.F.R. §§ 2.100(a), 3.133).

c. January 16, 2001. Respondents housed a coyote adjacent to an aggressive wolf known to have attacked animals through the adjoining fence, despite the coyote's visible agitation and discomfort. (9 C.F.R. §§ 2.100(a), 3.133).

d. January 16, 2001. Respondents failed to prevent a free-roaming dog (Lucky) from agitating a silver fox (Raisin). (9 C.F.R. §§ 2.100(a), 3.133).

#### CONCLUSIONS OF LAW

1. The Secretary has jurisdiction over this matter.
2. On October 28, 1999 and March 23, 2000, respondents willfully violated of section 2.4 of the Regulations (9 C.F.R. § 2.4).
3. On June 30 and July 1, 1999, March 23, 2000, May 23, 2000, January 16, 2001, June 28, 2001, August 21, 2001, and October 15, 2001, respondents willfully violated section 2.40(a) of the Regulations. (9 C.F.R. § 2.40(a)).
4. On August 12, 1999, October 28, 1999, March 23, 2000, May 23, 2000, June 28, 2001, August 21, 2001, October 15, 2001, February 12, 2002, and May 7, 2002, respondents willfully violated section 2.40(a)(1) of the Regulations. (9 C.F.R. § 2.40(a)(1)).
5. On March 23, 2000, respondents willfully violated section 2.40(a)(2) of the Regulations. (9 C.F.R. § 2.40(a)(2)).
6. On June 30 and July 1, 1999, October 28, 1999, and March 23, 2000, respondents willfully violated section 2.40(b)(1) of the Regulations. (9 C.F.R. § 2.40(b)(1)).
7. On January 16, 2001, October 15, 2001, March 23, 2000, May 23, 2000, January 16, 2001, June 28, 2001, August 21, 2001, October 15, 2001, February 12, 2002, May 7, 2002, August 20, 2002, October 16, 2002, and on or about July 2, 2003, through on or about November 7, 2003,

respondents willfully violated section 2.40(b)(2) of the Regulations. (9 C.F.R. § 2.40(b)(2)).

8. On August 12, 1999, March 23, 2000, January 16, June 28, 2001, August 21, 2001, October 15, February 12, 2002, May 7, 2002, October 16, 2002, and on or about July 2, 2003, through on or about November 7, 2003, respondents willfully violated section 2.40(b)(3) of the Regulations. (9 C.F.R. § 2.40(b)(3)).

9. Respondents willfully violated the record-keeping Regulations:

a. On May 23, 2000, respondents failed to comply with section 2.75(b)(1)(iii) of the Regulations. (9 C.F.R. § 2.75(b)(1)(iii)).

b. On May 23, 2000, respondents failed to comply with section 2.75(b)(1) of the Regulations. (9 C.F.R. § 2.75(b)(1)).

                     c.            On January 16, 2001, June 28, 2001, August 21, 2001, and May 7, 2002, respondents failed to comply with section 2.75(b)(1)(iii) of the Regulations. 9 C.F.R. § 2.75(b)(1)(iii).

d. On January 16, 2001 and August 21, 2001, respondents failed to comply with section 2.75(b)(1) of the Regulations. (9 C.F.R. § 2.75(b)(1)).

e. On June 28, 2001 and August 21, 2001, respondents failed to comply with section 2.75(b)(1)(i) of the Regulations. (9 C.F.R. § 2.75(b)(1)(i)).

f. On June 28, 2001 and August 21, 2001, respondents failed to comply with section 2.75(b)(1)(ii) of the Regulations. (9 C.F.R. § 2.75(b)(1)(ii)).

g. On June 28, 2001 and August 21, 2001, respondents failed to comply with section 2.75(b)(1)(iv) of the Regulations. 9 C.F.R. § 2.75(b)(1)(iv).

h. On June 28, 2001 and August 21, 2001, respondents failed to comply with

section 2.75(b)(1)(v) of the Regulations. (9 C.F.R. § 2.75(b)(1)(v)).

i. \_\_\_\_\_ On May 23, 2000, respondents failed to comply with section 2.80(b) of the Regulations. (9 C.F.R. § 2.80(b)).

10. On August 6, 2002, November 18, 2002, December 12, 2002, December 17, 2002, and December 19, 2002, respondents willfully violated section 2.126(a) of the Regulations. (9 C.F.R. § 2.126(a)).

11. Respondents willfully violated section 2.100(a) of the Regulations and Standards by failing to meet the minimum facilities standards for guinea pigs:

a. On August 21, 2001 and October 15, 2001, respondents failed to comply with section 3.31(a) of the Standards. (9 C.F.R. §§ 2.100(a), 3.31(a)).

b. On August 21, 2001, respondents failed to comply with section 3.31(b) of the Standards. (9 C.F.R. §§ 2.100(a), 3.31(b)).

c. On August 21, 2001, respondents failed to comply with section 3.29(a) of the Standards. (9 C.F.R. §§ 2.100(a), 3.29(a)).

12. On June 30 and July 1, 1999, respondents willfully violated section 2.100(a) of the Regulations and section 3.52 of the Standards. (9 C.F.R. §§ 2.100(a), 3.52).

13. On June 30 and July 1, 1999, March 23, 2000, May 23, 2000, January 16, 2001, June 28, 2001, August 21, 2001, October 15, 2001, February 12, 2002, May 7, 2002, August 20, 2002, and October 16, 2002, respondents willfully violated section 2.100(a) of the Regulations and section 3.125(a) of the Standards. (9 C.F.R. §§ 2.100(a), 3.125(a)).

14. \_\_\_\_ On January 16, 2001, respondents willfully violated section 2.100(a) of the Regulations and section 3.125(c) of the Standards. (9 C.F.R. §§ 2.100(a), 3.125(c)).

15. On August 20, 2002, respondents willfully violated section 2.100(a) of the Regulations and section 3.126(c) of the Standards. (9 C.F.R. §§ 2.100(a), 3.126(c)).

16. On January 16, 2001, August 21, 2001, October 15, 2001, February 12, 2002, October 16, 2002, and February 24, 2004, respondents willfully violated section 2.100(a) of the Regulations and section § 3.127(b) of the Standards. (9 C.F.R. §§ 2.100(a), 3.127(b)).

17. On January 16, 2001, August 21, 2001, and February 24, 2004, respondents willfully violated section 2.100(a) of the Regulations and section 3.127(c) of the Standards. (9 C.F.R. §§ 2.100(a), 3.127(c)).

18. On May 23, 2000, January 16, 2001, August 21, 2001, October 15, 2001, February 12, 2002, May 7, 2002, August 20, 2002, and October 16, 2002, respondents willfully violated section 2.100(a) of the Regulations and section 3.127(d) of the Standards. (9 C.F.R. §§ 2.100(a), 3.127(d)).

19. On June 30 and July 1, 1999, October 28, 1999, March 23, 2000, January 16, 2001, June 28, 2001, October 15, 2001, August 20, 2002, and October 16, 2002, respondents willfully violated section 2.100(a) of the Regulations and section 3.128 of the Standards. (9 C.F.R. §§ 2.100(a), 3.128).

20. Respondents willfully violated section 2.100(a) of the Regulations and Standards:

a. On August 12, 1999, March 23, 2000, May 23, 2000, January 16, 2001, June 28, 2001, October 15, 2001, and February 12, 2002, respondents failed to comply with section 3.129(a) of the Standards. (9 C.F.R. §§ 2.100(a), 3.129(a)).

b. \_\_\_\_ On August 12, 1999, October 28, 1999, May 23, 2000, June 28, 2001, August 21, 2001, and October 16, 2002, respondents failed to comply with section 3.129(b) of the

Standards. (9 C.F.R. §§ 2.100(a), 3.129(b)).

21. On June 30 and July 1, 1999, August 12, 1999, October 28, 1999, March 23, 2000, May 23, 2000, January 16, 2001, June 28, 2001, August 21, 2001, October 15, 2001, May 7, 2002, August 20, 2002, October 16, 2002, and February 24, 2004, respondents willfully violated section 2.100(a) of the Regulations and section 3.130 of the Standards. (9 C.F.R. §§ 2.100(a) 3.130).

22. On June 30 and July 1, 1999, August 12, 1999, March 23, 2000, May 23, 2000, January 16, 2001, June 28, 2001, August 21, 2001, October 15, 2001, February 12, 2002, May 7, 2002, and February 24, 2004, respondents willfully violated section 2.100(a) of the Regulations and section 3.131(a) of the Standards. (9 C.F.R. §§ 2.100(a), 3.131(a)).

23. On January 16, 2001, June 28, 2001, and May 23, 2000, respondents willfully violated section 2.100(a) of the Regulations and section 3.131(c) of the Standards. (9 C.F.R. §§ 2.100(a), 3.131(c)).

24. On June 30 and July 1, 1999, May 23, 2000, January 16, 2001, June 28, 2001, and October 16, 2002, respondents willfully violated section 2.100(a) of the Regulations and section 3.131(d) of the Standards. (9 C.F.R. §§ 2.100(a), 3.131(d)).

25. On March 23, 2000, May 23, 2000, January 16, 2001, October 15, 2001, February 12, 2001, and May 7, 2002, respondents willfully violated section 2.100(a) of the Regulations and section 3.132 of the Standards. (9 C.F.R. §§ 2.100(a), 3.132).

26. On August 12, 1999, March 23, 2000, and January 16, 2001, respondents willfully violated section 2.100(a) of the Regulations and section 3.133 of the Standards. (9 C.F.R. §§ 2.100(a), 3.133).

ORDER

1. Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder.

2. Respondents George E. Kollar and Sandra J. Kollar are jointly and severally assessed a \$2,750 civil penalty, \$1,700 of which has been paid by check number 1005 dated September 15, 2001. The remaining \$1,050 shall be paid by a certified check or money order made payable to the Treasurer of United States and remitted to:

Bernadette R. Juarez  
U.S. Department of Agriculture  
Office of the General Counsel  
Marketing Division  
1400 Independence Avenue, SW  
Room 2343-South Building, Mail Stop 1417  
Washington, D.C. 20250-1417

Respondents' payment of \$1,050 shall be forwarded to, and received by, Ms. Juarez on or before March 1, 2005.

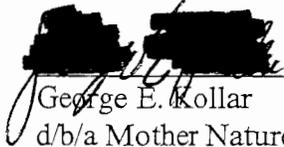
3. If respondents fail to pay \$1,050, in full, by certified check(s) or money order(s), by March 1, 2005, as provided in paragraph 2 of this Order, upon receipt of notice of nonpayment from complainant, respondents agree to be, and shall be, assessed an additional civil penalty of \$10,000, without further procedure. The respondents further agree to a prospective waiver of their rights to notice and opportunity for an oral hearing pursuant to the Act and the Order, and the parties agree that respondents may seek further relief in the United States District Court.

4. Animal Welfare Act license numbers 31-C-0117 and 31-C-0151, are revoked.

The provisions of this order shall become effective on the first day after service of this

decision on the respondents.

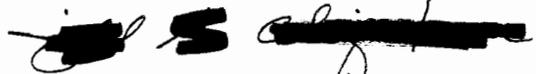
Copies of this decision shall be served upon the parties.

  
George E. Kollar  
d/b/a Mother Nature's Children  
Respondent

  
Sandra J. Kollar  
d/b/a Mother Nature's Children  
Respondent

  
Bernadette R. Juarez  
Colleen A. Carroll  
Attorneys for Complainant

Done at Washington, D.C.  
this 13 day of January, 2005

  
Jill S. Clifton  
Administrative Law Judge